

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAREEM MITCHELL,

Plaintiff,

-v.-

CITY OF NEW YORK; WARDEN OF AMKC
(C-95); C.O. GUZMAN, S. NO. 14957; and
C.O. K. JEAN LOUIS, S. NO. 19993

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/29/2024

23-cv-4348 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On March 29, 2024, the Court received the attached Second Amended Complaint from Plaintiff via mail. Pursuant to this Court's Order of February 29, 2024, Dkt. No. 21, Defendants shall answer or otherwise respond to the Second Amended Complaint by April 29, 2024.

SO ORDERED.

Dated: March 29, 2024
New York, New York



LEWIS J. LIMAN
United States District Judge

Kareem Mitchell #2907
Clinton C.F.
P.O.BOX 2001
Dannamora, NY 12929

March, 21, 2024

Clerk of the Court
United States District Court
Southern District of New York
300 Pearl Street
New York, NY 10007

Re: Mitchell v. NYC,
23 Civ. 4348 (LJL)

Dear Clerk:

Please find enclosed a time amended complaint subject to the above case number.

I hope It meets the satisfaction of the Court.

I have also file a copy of the amended complaint with the lawyers for the Defendants.

I await further directions from the Court.

Respectfully submitted,


Kareem Mitchell

cc: Hon. Sylvia O. Hinds-Radix
(Joseph Zangrilli of Counsel)
100 Church Street
New York, NY 10007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAREEM MITCHELL

Write the full name of each plaintiff.

23 CV4348 (LTS)

(Include case number if one has been assigned)

-against-

AMENDED
COMPLAINT
(Prisoner)

CITY OF NEW YORK; WARDEN OF AMKC (C-95);

CO. GUZMAN, S. No. 14957

CO. K. JEAN LOUIS S. No. 19993

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

KAREEM

MITCHELL

First Name

Middle Initial

Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

CLINTON CORRECTIONAL FACILITY

Current Place of Detention

P.O. BOX 2001, Dannemora, New York, 12929

Institutional Address

Dannemora

New York

12929

County, City

State

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced prisoner

☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:	CITY OF NEW YORK		
	First Name	Last Name	Shield #
	DEPARTMENT OF CORRECTIONS		
	Current Job Title (or other identifying information)		
	Current Work Address		
	County, City	State	Zip Code
Defendant 2:	WARDEN OF AMKC (C-95)		
	First Name	Last Name	Shield #
	WARDEN OF AMKC		
	Current Job Title (or other identifying information)		
	18-18 Hazen Street		
	Current Work Address		
	East Elmhurst	N.Y.	11368
	County, City	State	Zip Code
Defendant 3:	CO. GUZMAN		14957
	First Name	Last Name	Shield #
	CORRECTIONS OFFICER		
	Current Job Title (or other identifying information)		
	18-18 Hazen Street.		
	Current Work Address		
	E. Elmhurst	NY	11368
	County, City	State	Zip Code
Defendant 4:	CO. K. JEAN LOUIS		19993
	First Name	Last Name	Shield #
	NYC CORRECTIONAL OFFICER		
	Current Job Title (or other identifying information)		
	18-18 Hazen Street		
	Current Work Address		
	East Elmhurst,	NY	11368
	County, City	State	Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: (1) AMKC (C-95) 3 Main and Quad 4 Upper

Date(s) of occurrence: April 21, 2022 and April 23, 2022

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

On April 21, 2022 I was ordered to proceed to 3 Main Dorm while being escorted by CO Jacqueline Hylton (#5598) Upon reaching the dorm entrance while located behind the mesh gate, the inmates housed in the dorm started to yell he not coming in here, this a Trinataridos house (Spanish gang) and he not spanish. I was told by the Staff to step inside. The Gang members told me to put my property down and come to the back of the dorm. I was then surrounded by about 6 inmates and assaulted with hands feet and cut and stabbed by these inmates in 3 Main. On April 23, 2022, I was taken to Quad 4 Upper in the AMKC building where they told the Co this a Mac Baller house, he not coming in here. I was ordered into the housing unit by the escort officer and CO K. Jean Louis (#19993) upon entering the unit after placing my property down I attempted to use the telephone, and was then surrounded by several inmates who started to hit, punch and kick me while one inmate cut me in the face all for about 7 minutes without any assistance from staff. The policy of NYCDOC of placing all gang members of a particular sect in one housing unit, and then putting neutral inmates in these units are a harm to my health. CO Guzman took no preventive action along with each and every CO that was present.

Based on the policy of the NYCDOC of housing gang members of the same sect together, has embolden the gangs to control who will and wont live in their housing unit. The Warden of AMKC enforces this policy throughout the facility without consideration for those placed in such units well being. Deliberately indifferent to the harm caoused by this policy. The Corrections Officers who were present in both the incidents, failed to protect or intervene and were deliberattely indifferent to the harm they placed the plaintiff in.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

As a result of the incident on April 21, Plaintiff sustained cuts to his back (3) and stab wounds which subjected him to pain and suffering, a loss of blood, disfigurement bruising and swelling to head and facial area along with contusions 24 sutures
As a result of the incident on April 23, Plaintiff sustained a cut to his face over the left eye requiring sutures and glue.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

Plaintiff is requesting a recovery amount of \$1.5 million dollars in order to make him whole again

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

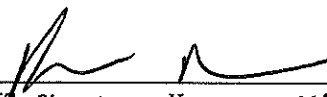
I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

3/20/2024
 Dated March 20, 2024


 Plaintiff's Signature Kareem Mitchell

Kareem Mitchell
 First Name Middle Initial Last Name

Clinton Correctional Facility P.O. Box 2001
 Prison Address

Dannemora, New York 12929
 County, City State Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: 3/21/24